| Declaration   Declaration   Submitted after   Initial Filing   Date   Group Art Unit   Examiner Name   Declaration   Declaration   Submitted after   Initial Filing   Date   Group Art Unit   Examiner Name   Declaration   | I DECICNI DATENI  | T ADDI ICATION               |                              | <del></del>                          |        |  |  |  |  |  |
|--|---|------------------------------|------------------------------|--------------------------------------|--------|--|--|--|--|--|
| As a below named inventor, I hereby declare that:  My residence, post office address, and clitzenship are as stated below next to my name.  I believe I am the original, first, and sole inventor (if only one name is listed) or an original, first, and joint inventor (if more than one name is listed) of the subject matter which is claimed and for which a patent is sought on the invention entitled:  IDENTIFICATION OF EUKARYOTIC SPECIES USING PROBES DERIVED FROM THE INTERGENIC REGION OF PAIRS OF DIVERGENTLY TRANSCRIBED HISTONE GENES  It is attached hereto:  Was filed on 20 January 2004 (20.01.2004) as PCT International Application Number PCT/AU2004/000069.  I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.  I acknowledge the duty to disclose information which is material to the patentability of this application, as defined in 37 CFR 1.56.  I hereby claim foreign priority benefits under 35 U.S. C. 119(a)-(d) or 355(b) of any foreign application for patent or inventor's certificate, or 35(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.  Prior Foreign Application  Number(s)  Cauntry  Foreign Filing Date  (MM/DD/YYYY)  Additional foreign application numbers are listed on a supplemental priority data sheet attached hereto.  I hereby claim the benefits under 35 U.S.C. 119(e) of any United States provisional application numbers are listed on a su |   |                              | First Named Inventor         | George F                             | /FE    |  |  |  |  |  |
| Declaration Submitted with Initial Filing    Declaration Submitted after Initial Filing   Filing Date   Group Art Unit   | 1   |                              | COMPLETE IF KNOWN            |                                      |        |  |  |  |  |  |
| Submitted with Initial Filing  Submitted after Initial Filing  Filing Date  Group Art Unit  Examiner Name  Examiner Name  As a below named inventor, I hereby declare that:  My residence, post office address, and ditizenship are as stated below next to my name.  I believe I am the original, first, and sole inventor (if only one name is listed) or an original, first, and joint inventor (if more than one name is listed) of the subject matter which is claimed and for which a patent is sought on the invention entitled:  IDENTIFICATION OF EUKARYOTIC SPECIES USING PROBES DERIVED FROM THE INTERGENIC REGION OF PAIRS OF DIVERGENTLY TRANSCRIBED HISTONE GENES  the specification of which:    is attached hereto;   was filed on 20 January 2004 (20.01.2004)   as PCT International Application Number PCT/AU2004/000069.  I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.  I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which is material to the patentability of this application as defined in 37 CFR 1.56.  I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, isteed below and have also identified below, by checking the box, any foreign application or which priority is claimed.  Prior Foreign Application  Prior Foreign Application  Number(s)  Country  Foreign Filing Date  (MM/DD/YYYY)  Additional foreign application numbers are listed on a supplemental priority data sheet attached hereto.  I hereby claim the benefits under 35 U.S.C. 119(e) of any United States provisional application in numbers are listed on a supplemental                                     |   |                              | Application Number           |                                      |        |  |  |  |  |  |
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| As a below named inventor, I hereby declare that:  My residence, post office address, and citizenship are as stated below next to my name.  I believe I am the original, first, and sole inventor (if only one name is listed) or an original, first, and joint inventor (if more than one name is listed) of the subject matter which is claimed and for which a patent is sought on the invention entitled:  IDENTIFICATION OF EUKARYOTIC SPECIES USING PROBES DERIVED FROM THE INTERGENIC REGION OF PAIRS OF DIVERGENTLY TRANSCRIBED HISTONE GENES  the specification of which:  is attached hereto;  was filed on 20 January 2004 (20.01.2004) as PCT International Application Number PCT/AU2004/000069.  I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the patentability of this application, as defined in 37 CFR 1.56.  I hereby claim foreign priority benefits under 35 U.S.C. 119(a) (4) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.  Prior Foreign Application Number(s)  Country  Foreign Filing Date (MM/DD/YYYY)  Additional foreign application numbers are listed on a supplemental priority data sheet attached hereto.  I hereby claim the benefits under 35 U.S.C. 119(e) of any United States provisional application listed below.  Application Number(s)  Foreign Filing Date (MM/DD/YYYY)  | Initial Filing  | Initial Filing               | Group Art Unit               |                                      |        |  |  |  |  |  |
| My residence, post office address, and citizenship are as stated below next to my name.  I believe I am the original, first, and sole inventor (if only one name is listed) or an original, first, and joint inventor (if more than one name is listed) of the subject matter which is claimed and for which a patent is sought on the invention entitled:  IDENTIFICATION OF EUKARYOTIC SPECIES USING PROBES DERIVED FROM THE INTERGENIC REGION OF PAIRS OF DIVERGENTLY TRANSCRIBED HISTONE GENES  the specification of which:  is attached hereto;  was filed on 20 January 2004 (20.01.2004) as PCT International Application Number PCT/AU2004/000069.  I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.  I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application, as defined in 37 CFR 1.56.  I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.  Prior Foreign Application  Country  Foreign Filing Date (MM/DD/YYYY)  Additional foreign application numbers are listed on a supplemental priority data sheet attached hereto.  I hereby claim the benefits under 35 U.S.C. 119(e) of any United States provisional application in unmbers are listed on a supplemental  |   |                              | Examiner Name                |                                      |        |  |  |  |  |  |
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| DIVERGENTLY TRANSCRIBED HISTONE GENES  the specification of which:  □ is attached hereto;  □ was filed on 20 January 2004 (20.01.2004) as PCT International Application Number PCT/AU2004/000069.  I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the patentability of this application, as defined in 37 CFR 1.56.  I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application (s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.  Prior Foreign Application Number(s)  Country Foreign Filing Date (MM/DD/YYYY)  Additional foreign application numbers are listed on a supplemental priority data sheet attached hereto.  I hereby claim the benefits under 35 U.S.C. 119(e) of any United States provisional application listed below.  Application Number(s)  Foreign Filing Date (MM/DD/YYYY)  Additional provisional application numbers are listed on a supplemental   | My residence, post office address, and citizenship are as stated below next to my name.  I believe I am the original, first, and sole inventor (if only one name is listed) or an original, first, and joint inventor (if more than                           |                              |                              |                                      |        |  |  |  |  |  |
| is attached hereto;   was filed on 20 January 2004 (20.01.2004) as PCT International Application Number PCT/AU2004/000069.  I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the patentability of this application, as defined in 37 CFR 1.56.  I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.  Prior Foreign Application   Country   Foreign Filing Date (MM/DD/YYYY)   Priority Not Claimed   Priority Not Priori    | IDENTIFICATION OF EUKARYOTIC SPECIES USING PROBES DERIVED FROM THE INTERGENIC REGION OF PAIRS OF DIVERGENTLY TRANSCRIBED HISTONE GENES  |                              |                              |                                      |        |  |  |  |  |  |
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| certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.  Prior Foreign Application Number(s)  Country Foreign Filing Date (MM/DD/YYYY)  Australia  O1/20/2003  Claimed  Certified Copy Attached? YES NO Claimed  O1/20/2003  Additional foreign application numbers are listed on a supplemental priority data sheet attached hereto.  I hereby claim the benefits under 35 U.S.C. 119(e) of any United States provisional application listed below.  Application Number(s)  Foreign Filing Date (MM/DD/YYYY)  Additional provisional application numbers are listed on a supplemental  | amended by any amendment referred to above.   |                              |                              |                                      |        |  |  |  |  |  |
| Number(s)    MM/DD/YYYY)   Not Claimed   YES   NO  | certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's |                              |                              |                                      |        |  |  |  |  |  |
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| Additional foreign application numbers are listed on a supplemental priority data sheet attached hereto.  I hereby claim the benefits under 35 U.S.C. 119(e) of any United States provisional application listed below.  Application Number(s)  Foreign Filing Date (MM/DD/YYYY)  Additional provisional application numbers are listed on a supplemental  | 2003900227  | Australia                    | 01/20/2003                   |                                      | _ ⊠    |  |  |  |  |  |
| Additional foreign application numbers are listed on a supplemental priority data sheet attached hereto.  I hereby claim the benefits under 35 U.S.C. 119(e) of any United States provisional application listed below.  Application Number(s)  Foreign Filing Date (MM/DD/YYYY)  Additional provisional application numbers are listed on a supplemental  |   |                              |                              |                                      | _      |  |  |  |  |  |
| I hereby claim the benefits under 35 U.S.C. 119(e) of any United States provisional application listed below.  Application Number(s)  Foreign Filing Date (MM/DD/YYYY)  Additional provisional application numbers are listed on a supplemental  | Additional foreign appli  | cation numbers are listed or | a supplemental priority data |                                      | ereto. |  |  |  |  |  |
| Application Number(s)  Foreign Filing Date (MM/DD/YYYY)  Additional provisional application numbers are listed on a supplemental   |   |                              |                              |                                      |        |  |  |  |  |  |
| (MM/DD/YYYY)  Additional provisional application numbers are listed on a supplemental  |   |                              |                              |                                      |        |  |  |  |  |  |
| numbers are listed on a supplemental   | Application Number(s)   |                              |                              | ,                                    |        |  |  |  |  |  |
|  |   |                              |                              | numbers are listed on a supplemental |        |  |  |  |  |  |

MAD-6

DECLARATION FOR UTILITY OR Attorney Docket Number

## **DECLARATION**

## - Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below, and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States of PCT International application in the manner provided by the first paragraph of Title 35 U.S.C., 112, I acknowledge the duty to disclose information which is material to patentability, as defined in 37 C.F.R. 1.56, which became available between the filling date of the prior application.

| the prior application and the national or PCT international filing date of this application.   |                         |  |  |                                 |  |                      |  |                          |  |  |
|--|-------------------------|--|--|---------------------------------|--|----------------------|--|--------------------------|--|--|
| U.S. Parent Application or PCT Parent Number   |                         |  | Number   | PCT Filing Date<br>(MM/DD/YYYY) |  |                      | Parent Patent Number (if applicable)           |                          |  |  |
|  | PCT/AU2004/0            | 00069  | -  | 01/20/2004                      |  |                      |  |                          |  |  |
| Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet attached hereto.   |                         |  |  |                                 |  |                      |  |                          |  |  |
| As a named inventor, I hereby appoint the individuals of the firm of Olson & Hierl, Ltd. associated with the following customer number to prosecute this application and to transact all business connected therewith in the Patent and Trademark Office:  |                         |  |  |                                 |  |                      |  |                          |  |  |
|  | stomer Numbe            |  | 002387   |                                 |  |                      |  |                          |  |  |
|  |                         | stration Numb                                  |  |                                 |  | Registration Number  |  |                          |  |  |
| Dolores T. Kenney Seymour Rothstein Joseph M. Kuo  |                         | 30,203<br>31,269<br>19,369<br>38,943<br>45,058 | 1,269<br>9,369<br>8,943                                |                                 | Michael A. Hierl<br>Talivaldis Cepuritis<br>Martin J. Corn<br>Dennis H. Ma<br>Bruce R. Mansfield |                      | 29,807<br>20,818<br>35,847<br>46,890<br>29,086 |                          |  |  |
|  |                         |  |  |                                 |  |                      |  |                          |  |  |
| Direct all correspondence to:   Customer Number  |                         |  |  |                                 |  |                      |  |                          |  |  |
| Name ATTENTION: Michael A. Hierl OLSON & HIERL, LTD.   |                         |  |  |                                 |  |                      |  |                          |  |  |
| Address 20 North Wacker Drive, 36th Floor  |                         |  |  |                                 |  |                      |  |                          |  |  |
| City   | Chicago sta             |  | State  | ate IL                          |  |                      | ZIP 60606                                      |                          |  |  |
| Country  | US Tele                 |  | Telephone  | ephone (312) 580-1180           |  |                      | Fax  | ax (312) 580-1189        |  |  |
| I hereby declare that all statement made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. |                         |  |  |                                 |  |                      |  |                          |  |  |
| Name of Sole or First Inventor:  |                         |  | ☐ A petition has been filed for this unsigned inventor |                                 |  |                      |  |                          |  |  |
| Given Name (first and middle, if any)  |                         |  | Family Name or Surname                                 |                                 |  |                      |  |                          |  |  |
| George   |                         |  |  | FYFE                            |  |                      |  |                          |  |  |
| Inventor's signature   |                         |  |  |                                 |  |                      | Date:  |                          |  |  |
| Residence  | City<br><b>Lonsdale</b> | , S.A.   | State  | State                           |  | Country<br>Australia |  | Citizenship<br>Australia |  |  |
| Post Office<br>Address   |                         |  |  |                                 |  |                      |  |                          |  |  |
|  | City<br><b>Lonsd</b> a  | ale, S.A.                                      | State  |                                 |  | ZIP<br>516           | 60   | Country<br>Australia     |  |  |
| □ Additional inventors are being named on the supplemental Additional Inventor(s) Sheet(s) attached here   |                         |  |  |                                 |  |                      |  |                          |  |  |
|  |                         |  |  |                                 |  |                      |  |                          |  |  |